

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

ROY AUTRY,

Plaintiff,

v.

**AHERN RENTALS, INC., d/b/a Ahern
Rentals and Sales,**

Defendant.

§
§
§
§
§
§
§
§

EP-19-CV-00154-DCG

ORDER TO SHOW CAUSE

Non-party EquipmentShare disregarded subpoenas from this Court. On July 18, 2022, Defendant Ahern Rentals, Inc. served two subpoenas on EquipmentShare. ECF Nos. 134-1, 134-2. Defendant's process server attested that she delivered the subpoenas to EquipmentShare's General Manager, Ryan Chavez. ECF Nos. 134-1, 134-2. Both subpoenas commanded EquipmentShare to designate an individual to "testify on [] behalf" of the Company and appear in court on July 25, 2022 at 9:00 a.m. ECF Nos. 134-1, 134-2. EquipmentShare never showed.

Defendant's Counsel has also represented to the Court that EquipmentShare has not complied with the subpoenas' command to deliver certain documents. Additionally, Plaintiff's Counsel has informed the Court that EquipmentShare contests the procedural adequacy of the subpoenas. But EquipmentShare has filed *nothing* with the Court about this. The Court strongly stresses the impropriety of EquipmentShare's conduct in the face of subpoenas.

The Court **ORDERS** EquipmenShare's designee to **SHOW CAUSE in person** why EquipmentShare disregarded the Court's subpoenas. The Court sets a **SHOW CAUSE HEARING** for **August 3, 2022 at 8:00 a.m.** in Courtroom Number 322, on the Third Floor of the United States Courthouse, 525 Magoffin Avenue, El Paso, Texas. However,

EquipmentShare's designee may appear via VTC at whichever federal courthouse is nearest to them. If EquipmentShare's designee chooses to appear by VTC, they shall **PROMPTLY NOTIFY** the Court's Courtroom Deputy Greg Dueñas (Greg_Duenas@txwd.uscourts.gov) and Law Clerk Kevin Lewis (kevin_lewis@txwd.uscourts.gov).

FAILURE TO COMPLY WITH THIS ORDER OR THE SUBPOENAS WILL RESULT IN SANCTIONS AND/OR CIVIL CONTEMPT PROCEEDINGS PURSUANT RULE 45(g) OF THE FEDERAL RULES OF CIVIL PROCEDURE. THE COURT MAY ALSO COMPEL THE PHYSICAL PRESENCE OF RYAN CHAVEZ, EQUIPMENTSHARE'S AGENT FOR SERVICE OF PROCESS, IN COURT BY ISSUING AN ORDER, UNDER THE COURT'S AUTHORITY AT 28 U.S.C. § 1651, TO THE U.S. MARSHALS TO DELIVER RYAN CHAVEZ.

So **ORDERED** and **SIGNED** this 2nd day of August 2022.



DAVID C. GUADERRAMA
UNITED STATES DISTRICT JUDGE